

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOHN J. MILAKOVICH,

Plaintiff,

Case No. 19-cv-1353-pp

v.

LJ ROSS ASSOCIATES INC.,

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION TO DISMISS (DKT. NO. 8) AND
DISMISSING CASE WITHOUT PREJUDICE UNDER FED. R. CIV. P. 41**

On August 27, 2019, the plaintiff, representing himself, filed a small claims action in Milwaukee County Circuit Court, John Joseph Milakovich v. L. J. Ross Associates, Inc., Case No. 19SC036875. Dkt. No. 1-2. The complaint alleged that the defendant, a debt collector, had violated the Fair Debt Collection Practices Act and the Fair Credit Reporting Act by inaccurately reporting that the plaintiff owed a debt to WE Energies. Dkt. No. 1-2 at 6–8. Three weeks later, the defendant removed the case to this court.¹ Dkt. No. 1. Three days after that, the defendant filed a motion for a more definite statement, arguing that the complaint was vague and failed to comply with the federal and local rules. Dkt. No. 5 at ¶¶5–11. The court granted the motion and ordered the plaintiff to file an amended complaint in time for the court to

¹28 U.S.C. §1447(c) allows a party to file a motion to remand within thirty days after the filing of the notice of removal. The plaintiff did not seek remand within the thirty-day period.

receive it by the end of the day on March 6, 2020. Dkt. No. 7 at 5–6. The court advised the plaintiff that if it didn't receive the amended complaint by that date, the defendant could ask the court to dismiss the case. Id.

The court did not receive an amended complaint by the end of day on March 6, 2020. The defendant filed this motion to dismiss three days later. See Dkt. No. 8. The court has not received any change of address information from the plaintiff. None of the mail the court sent the plaintiff at the address he provided in the complaint has been returned as undeliverable. The court has not heard from the plaintiff in the almost eight months the case has been pending in federal court.

The court **GRANTS** the defendant's motion to dismiss for failure to comply with court orders and for lack of prosecution under Federal Rule of Civil Procedure 41. Dkt. No. 8.

The court **ORDERS** that the complaint is **DISMISSED without prejudice** for the plaintiff's failure to comply with the court's February 10, 2020 order requiring him to amend the complaint.

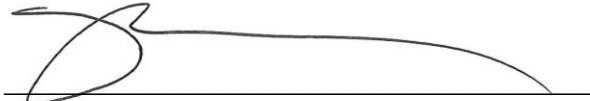
This order and the judgment to follow are final. A dissatisfied party may appeal this court's decision to the Court of Appeals for the Seventh Circuit by filing in this court a notice of appeal within 30 days of the entry of judgment. See Fed. R. of App. P. 3, 4. This court may extend this deadline if a party timely requests an extension and shows good cause or excusable neglect for not being able to meet the 30-day deadline. See Fed. R. App. P. 4(a)(5)(A).

Under limited circumstances, a party may ask this court to alter or amend its judgment under Federal Rule of Civil Procedure 59(e) or ask for relief from judgment under Federal Rule of Civil Procedure 60(b). Any motion under Federal Rule of Civil Procedure 59(e) must be filed within 28 days of the entry of judgment. The court cannot extend this deadline. See Fed. R. Civ P. 6(b)(2). Any motion under Federal Rule of Civil Procedure 60(b) must be filed within a reasonable time, generally no more than one year after the entry of the judgment. The court cannot extend this deadline. See Fed. R. Civ. P. 6(b)(2).

The court expects parties to closely review all applicable rules and determine, what, if any, further action is appropriate in a case.

Dated in Milwaukee, Wisconsin this 29th day of April, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge